



# Cincinnati Police Department STAFF NOTES

April 4, 2006

*Colonel Thomas H. Streicher, Jr., Police Chief*



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**1. COURT HOLIDAY – GOOD FRIDAY**

On Friday, April 14, 2006, the Hamilton County Municipal Court will observe Good Friday. **All courts will close at 12:30 p.m.**

Police officers are reminded to not issue citations requiring an afternoon court appearance on this date.

**2. NATIONAL ALLIANCE ON MENTAL ILLNESS WALK-A-THON**

The National Alliance on Mental Illness (NAMI) of Hamilton County will hold their third annual “NAMI Walks for the Mind of America” on May 13, 2006, at Sawyer Point. Registration will begin at 8:00 a.m. with the walk commencing at 9:00 a.m. Those interested in raising money to assist in the treatment of mental illness are invited to walk as a member of the Cincinnati Police Team. Lieutenant Anthony Carter of the Police Academy is the Captain of this year’s team. For additional information or to walk as a member of the team, contact Sergeant Tom Tanner at 357-7555.

[Attached](#) to these Staff Notes is an informational flyer. For additional information about the National Alliance on Mental Illness contact NAMI of Hamilton County at [info@nami-hc.org](mailto:info@nami-hc.org) or 948-3094.

**3. UPGRADE PROCESS TO THE CITY PBX TELEPHONE SYSTEM**

The City telephone network is scheduled to be upgraded on Friday April 7, 2006. As a result, various locations on the City's telephone network will be out of service from 1800 to 2400 hours (maximum anticipated outage time). Telephone lines at **824 Broadway, 800 Evans (Spinney), Central Vice Control Section, and Internal Investigations Section** will be out of service. Arrangements have been made for alternative coverage by City Telecommunications.

During the outage period:

- **All phones at the locations listed** will be out of service.
  - Twenty-four hour service numbers and other key numbers will be redirected to other working phone numbers.
  - Callers to other telephone numbers will hear a message stating the telephone system is being serviced.
- Phones at other City locations will remain in service.
  - There will be **no four-digit dialing** capability throughout the City's telephone network. Sites with working phones will need to dial the complete seven digit number to reach other City locations which can usually be four-digit dialed.
  - **Long distance service will not be available** on the City network.

**Contingency Plan**

In the event of severe weather or other emergency situations, this work will be postponed to a later date.

**Other City locations which will be out of service due to telephone system maintenance:**

City Hall - 801 Plum  
Northside Health - 3917 Spring Grove      Health Admin - 3101 Burnet  
Permit Center - 3300 Central Pkwy      Public Services - 3241 Cormany  
Park Board - 950 Eden Park Drive      Public Services/NOD - 3320 Beekman  
Millvale Health - 3301 Beekman      Beekman Warehouse - 1408 Queen City  
Millvale Recreation - 3301 Beekman      RCC - 138 E. Court  
MSD Galbraith - 225 W. Galbraith      Health Environmental - 3845 WP Dooley  
Fleet Services - 1106 Bates      Cann Health - 5818 Madison  
Longworth Hall - 700 W. Pete Rose      Recreation Waterfront - 705 E. Pete Rose

**4. NEW CINCINNATI MUNICIPAL CODE SECTION 910-23, POSSESSION OF MARIJUANA**

Effective March 29, 2006, City Council passed an ordinance enacting Cincinnati Municipal Code (CMC) Section 910-23, Possession of Marijuana.

CMC Section 910-23 makes the possession of less than 200 grams of marijuana a misdemeanor of the fourth degree. An individual found in possession of any amount of marijuana is now subject to physical arrest.

Anyone caught in possession of less than 200 grams of marijuana who has been previously convicted under CMC Section 910-23 is to be charged with a misdemeanor of the first degree. Previous convictions under Ohio Revised Code 2925.11 are not eligible for the enhanced penalty incorporated into CMC Section 910-23.

[Attached](#) to this Staff Note is a copy of CMC Section 910-23, Possession of Marijuana.

Any questions may be referred to Sergeant Paul Neudigate, Planning Section, at 352-1239.

**5. CHANGE IN CINCINNATI MUNICIPAL CODE SECTION 759-4 REGARDING TOWING OF VEHICLES**

A legal opinion from the Solicitor's office has advised that it is a violation of the Ohio and United States Constitutions to tow and hold an innocent third party's car for violations of Cincinnati Municipal Code (CMC) Section 759-4 violations.

Effective immediately we will no longer seize cars operated by third parties under CMC Section 759-4 for using the vehicle to commit a drug or prostitution offense. If the car is operated by the owner (or joint owner) it can be seized, and officers will issue the civil penalty citation. If the car is owned by an innocent third party, we will treat the car as any other driver arrested situation.

The exception to this policy change is when officers can prove the owner knew the car was being used for a drug or prostitution offense. If this is established, the car can be seized and the owner will be subject to the \$500 civil fine because they no longer qualify as an "innocent owner".

Officers will continue to issue the \$500 civil penalty to the driver/offender, even when the vehicle is not seized.

A revision in procedure 12.270, Impounding, Moving and Release of Vehicles, to reflect this change is forthcoming.

**6. UNITED STATES SUPREME COURT DECISION ON CO-TENANT CONSENT SEARCHES – GEORGIA V. RANDOLPH (NO. 04-1067)**

A United States Supreme Court decision on consent searches involving co-tenants was handed down last week. In dwellings where there are co-tenants, voluntary consent from only one person who has common authority over the property is needed to perform a search. The Supreme Court held that consent given by one occupant is not valid in the face of the refusal of another physically present occupant.

[Attached](#) to these Staff Notes is a synopsis of the case and the ruling.

**7. FINE ARTS FUND CAMPAIGN**

The 2006 Fine Arts Fund campaign has ended. City of Cincinnati employees exceeded the goal of \$39,000 by donating \$41,740.80. Police Department employees gave \$1900 more in donations than last year, for a total of \$4,957.14.

On behalf of this year's Fine Arts Fund chairman, Lieutenant Colonel Vincent Demasi, thank you for supporting the Cincinnati art community.

**8. THANK YOU LETTERS**

Attached to these Staff Notes are several letters of appreciation and praise written to the Police Chief for the professionalism displayed by our Department and specifically the following officers:

Lieutenant Colonel Vince Demasi  
Lieutenant Tony Carter  
Sergeant Rudy Gruenke  
Police Specialist Ken Kilgore  
Police Specialist Jerry Enneking  
Police Officer AJ Werner  
Police Officer Steve Edwards  
Police Officer John Boyle  
Police Officer Jay Johnstone  
Police Officer Laura Sadowski  
Police Officer Phil Penn  
LE Instructor Roger Smallwood  
Ms. Jenny Ruberg

Captain Ken Jones  
Lieutenant Mike Neville  
Sergeant Gary Conner  
Police Specialist Andy Nogueira  
Police Specialist Frank Fede  
Police Officer John Mercado  
Police Officer Tim Pappas  
Police Officer Carmen Young  
Police Officer Cassandra Tucker  
Police Officer Governor Williams  
Criminalist Bill Hillard  
LE Instructor Mike Broering  
Ms. Michelle Faulkner



### **NAMI is**

The National Alliance on Mental Illness, the largest grassroots mental health organization dedicated to improving the lives of persons living with serious mental illness and their families. Since 1979, NAMI has become *the nation's voice on mental illness*, a nationwide organization with affiliates in every state and over 1100 local communities across the country.

### **the NAMI mission**

NAMI is dedicated to the eradication of mental illnesses and to the improvement of the quality of life of all who are affected by these diseases.

### **what does NAMI do?**

NAMI members and friends work tirelessly to meet shared NAMI goals through many activities including:

- Family and Consumer Peer Education and Support Activities Including
  - ✓ Family-to-Family, NAMI's Provider Education Program, Peer-to-Peer, support groups and various state and local programs.
- Public Education and Information Activities
  - ✓ [www.nami.org](http://www.nami.org) ~ providing information, referrals and education;
  - ✓ 800.950.6264 (NAMI) ~ NAMI's toll-free HelpLine;
  - ✓ Public awareness activities such as *Mental Illness Awareness Week* help dispel the stigma of mental illness and encourage early intervention and treatment.

**"The American Institute of Philanthropy congratulates NAMI on its A-Grading."**

***Daniel Borochoff, President, AIP, [www.charitywatch.org](http://www.charitywatch.org)***

- Advocacy on Behalf of People Living with Mental Illness
  - ✓ NAMI advocates on the federal, state and local levels for nondiscriminatory and equitable public and private-sector policies, as well as for federally funded research for treatment and cures for mental illness.
  - ✓ *NAMI's Campaign for the Mind of America* is a political partnership initiative that strengthens relationships with community leaders and elected officials to develop policies that are reflective of the best economic, science, recovery, and systems choices.
  - ✓ *NAMI Action Centers*, including the Multicultural Action Center, the Children & Adolescent Action Center, and the Center on Law and Criminal Justice, address unique populations by developing, advocating and disseminating information to meet specific needs.
- Public Events that Raise Funds and Awareness
  - ✓ *NAMI Walks*, NAMI's signature event, where thousands of concerned citizens in over 50 communities across the nation *Walk for the Mind of America* to raise funds and awareness.

2107 Wilson Blvd, Suite 300 \* Arlington, VA \* 22201-3042  
Main: 703-524-7600 \* Fax: 703-524-9094 \* TDD: 703-516-7227  
HelpLine: 800-950-NAMI (6264)  
Email: [info@nami.org](mailto:info@nami.org)  
[www.nami.org](http://www.nami.org)

EMERGENCY

City of Cincinnati

KOE  
JUL 11/2006

An Ordinance No. \_\_\_\_\_

- 2006

ENACTING new Section 910-23, "Possession of Marijuana", of the Cincinnati Municipal Code.

WHEREAS, open-air drug dealing has increasingly become a problem for the citizens and neighborhoods of the City of Cincinnati; and

WHEREAS, City Council is of the opinion that the citizens of the City of Cincinnati would be better served through the adoption and enforcement of stronger marijuana drug offense laws; now, therefore,

**BE IT ORDAINED** by the Council of the City of Cincinnati, State of Ohio:

Section 1. That new Section 910-23, "Possession of Marijuana", is hereby ordained as follows:

**Sec. 910-23. Possession of Marijuana.**

(A) No person shall knowingly obtain, possess, or use marijuana, in an amount less than two hundred grams.

(B) Whoever violates this section is guilty of possession of marijuana. Except as otherwise provided in this division, possession of marijuana is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of this section, possession of marijuana is a misdemeanor of the first degree.

Section 2. That the Penalty sections for this ordinance are contained within Section 902-5(d), which defines a misdemeanor of the fourth degree, and Section 902-5(a), which defines a misdemeanor of the first degree.

Section 3. That new Section 910-23 of the Cincinnati Municipal Code shall expire twelve (12) months after passage of this ordinance.

Section 4. That Council shall have the option to extend Section 910-23, pending an evaluation of data provided by the City Administration.

Section 5. That the terms of this ordinance constitute an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the

emergency is to increase the penalty for marijuana drug crimes, which will protect citizens and neighborhoods by deterring open-air marijuana drug deals.

Passed: \_\_\_\_\_, 2006

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk



## **GEORGIA V. RANDOLPH SYNOPSIS**

The respondent's estranged wife gave police permission to search the marital residence for items of drug use after respondent, who was also present, had unequivocally refused to give consent. The respondent was indicted for possession of cocaine, and the trial court denied his motion to suppress the evidence as products of a warrantless search unauthorized by consent. The Georgia Court of Appeals reversed. In affirming, the State Supreme Court held that consent given by one occupant is not valid in the face of the refusal of another physically present occupant, and distinguished *United States v. Matlock*, 415 U.S. 164, which recognized the permissibility of an entry made with the consent of one co-occupant in the other's absence.

The Court held that a physically present co-occupant's stated refusal to permit entry renders warrantless entry and search unreasonable and invalid as to him.

The Fourth Amendment recognizes a valid warrantless entry and search of premises when the police obtain the voluntary consent of an occupant who shares, or is reasonably believed to share, common authority over the property, and no present co-tenant objects. Absent some recognized hierarchy, e.g., parent and child, there is no societal or legal understanding of superior and inferior as between co-tenants. Thus, a disputed invitation, without more, gives an officer no better claim to reasonableness in entering than the officer would have absent any consent. Disputed permission is no match for the Fourth Amendment central value of 'respect for the privacy of the home'.

A co-tenant who has an interest in bringing criminal activity to light or in deflecting suspicion from himself can, e.g., tell the police what he knows, for use before a magistrate in getting a warrant. This case, which recognizes limits on evidentiary searches, has no bearing on the capacity of the police, at the invitation of one tenant, to enter a dwelling over another tenant's objection in order to protect a resident from domestic violence.

If a potential defendant with self-interest in objecting is in fact at the door and objects, the co-tenant's permission does not suffice for a reasonable search, whereas the potential objector, nearby but not part of the threshold colloquy, loses out. So long as there is no evidence that the police have removed the potentially objecting tenant from the entrance specifically to avoid a possible objection, there is practical value in the simple clarity of complementary rules, one recognizing the co-tenant's permission when no fellow occupant is on hand, the other according dispositive weight to the fellow occupant's expressed contrary indication.

In *Georgia v. Randolph*, the respondent's refusal is clear. Nothing in the record justifies the search on grounds independent of his wife's consent.



March 22, 2006

Police Chief Colonel Thomas H. Streicher  
310 Ezzard Charles Dr.  
Cincinnati, Oh. 45214

Dear Chief Streicher,

On March 2<sup>nd</sup> 2006, the Regional Youth Leadership Committee of Northern Kentucky along with the staff from the Cincinnati Police Academy hosted Police Day. It was a day designed to take approximately 45 Tri-State High school juniors who are considered leaders among their peers and expose them to different aspects of police life and the role that police officers play.

On behalf of the Regional Youth Leadership Steering Committee and all of the students we want to thank your staff for all of their time, help and support. RYL Cincinnati Police Day was a huge success and we are grateful to you for making it so special. The staff was excellent and committed and the facility was outstanding.

Many of the students indicated that this was their favorite session. Many of them indicated that the most valuable aspect of the session was the respect and professionalism of the officers and recruits. Some of the comments included:

*"I am now more comfortable with police officers."*  
*"This session was by far the best."*  
*"I loved all of the hands-on activities."*  
*"Roll Call should be mandatory for class members to see."*

I have listed the names of just some of your staff that helped make this day a huge success. Please let them know how much we appreciate and recognize the support they gave us. The Regional Youth Leadership program is blessed to have your department's participation and insight into the complexities of the police community.

Sincerely,

Lindsey Eger  
RYL Steering Committee

Shawn Gaynor  
RYL Steering Committee

**Participated in NKY Regional Youth Leadership Program**

- |                      |  |
|----------------------|--|
| ➤ Lt. Col Demasi     | ➤ P.O. Steve Edwards                                       |
| ➤ Sgt. Gary Conner   | ➤ P.S. Jerry Enneking                                      |
| ➤ Lt. Tony Carter    | ➤ O'Dell Owens, MD – Hamilton Co. Coroner                  |
| ➤ Jenny Ruberg       | ➤ P.O. Tim Pappas and Laser                                |
| ➤ Sgt. Rudy Gruenke  | ➤ P.O. John Boyle and Cortez                               |
| ➤ Bill Hillard       | ➤ Captain Roger Hinkle - Hamilton Co. Sheriff's Department |
| ➤ Roger Smallwood    | ➤ P.O. Carmen Young  |
| ➤ Mike Broering      | ➤ P.O. Jay Johnstone                                       |
| ➤ P.S. Andy Nogueira | ➤ P.O. Cassandra Tucker                                    |
| ➤ P.O. John Mercado  | ➤ P.O. Laura Sadowski                                      |
| ➤ Tyler Hamler       | ➤ P.O. Governor Williams                                   |

**Northern Kentucky  
Leadership Foundation**

300 Buttermilk Pike  
Suite 330  
Ft. Mitchell, KY 41017

Phone: (859) 578-6388

Fax: (859) 578-8802

Email: [reger@nkychamber.com](mailto:reger@nkychamber.com)

Website: [www.nkyleadership.com](http://www.nkyleadership.com)



Education Center • Security Services  
P.O. Box 5381 • Cincinnati, OH 45201-5381 • Phone: 1-513-363-0100 • Fax: 1-513-363-0105 • TDD: 1-513-363-0124

March 15, 2003

Philip Penn, School Resource Officer  
310 Ezzard Charles Drive  
Cincinnati, OH 45214

Dear Officer Penn:

It is with much appreciation that I send this note of thanks to you for your conscientious and immediate response to the situation at Woodward High School on Friday, March 24, 2006. As you frequently see in your job, incidents can easily come about. With your immediate response, safety of all staff and students was secured and serious consequences were averted.

Please be assured that those of us aware of your swift effective response to a potentially dangerous situation has been noted, a copy of this letter will be sent to Chief Streicher and Sergeant Carter.

Sincerely,

Harry C. Frisby, Jr.  
Supervisor of Security

C: ✓ Chief Thomas H. Streicher, Jr.  
Sergeant Rodney Carter

3-24-06

Night Commander  
District 3 Police  
3201 Warsaw Ave.  
Cincinnati, OH 45205

Dear Commander:

At 4:10 AM on March 23, 2006 I noticed two unidentified men in my back yard around my vehicle and my garage. I called 911.

Within minutes two officers arrived, shortly followed by a third. A search was made and everything was handled professionally.

I want to thank the Cincinnati Police and your officers for such a prompt response and professional handling of the situation. My wife and I are grateful for your efforts.

Sincerely,



Jim Laughlin  
1161 Rulison Ave.  
Cincinnati, OH 45238  
513-921-2252

CC:  
Chief of Police, Tom Striker

James M Kish Jr.  
4118 Bell St Cincinnati, Oh 45212  
(216) 410-8732, [jimkishuc@yahoo.com](mailto:jimkishuc@yahoo.com)


Friday, February 24, 2006

Michelle Faulkner  
Cincinnati Police Department  
310 Ezzard Charles Drive  
Cincinnati, Ohio 45214

Dear Mrs. Faulkner

Thank you for organizing the civilian ride along program. The program is well defined; all the information was sent to me and easy to follow. The days, shifts and report times were very clear, and any question I had someone was always there to answer. The program is organized so well that it allowed me to still attend school and work without any added stress. I can not thank you enough for allowing me the opportunity to participate in the program. I have had nothing but professional, positive experiences when dealing with the Cincinnati Police Department. I am so impressed with the organization from my rides that I am considering taking the Police Officer Test in April so I can join the team. Thank you again.

Sincerely,



James M. Kish Jr.  
Criminal Justice Major  
University of Cincinnati

*Garfield*  
**SUITES**  
HOTEL

Two Garfield Place • Cincinnati, Ohio 45202  
(513) 421-3355 • (800) 367-2155

[www.garfieldsuiteshotel.com](http://www.garfieldsuiteshotel.com)

March 24, 2006

Chief Thomas H. Streicher, Jr.  
Cincinnati Police Department  
310 Ezzard Charles Drive  
Cincinnati, OH 45214

Dear Tom,

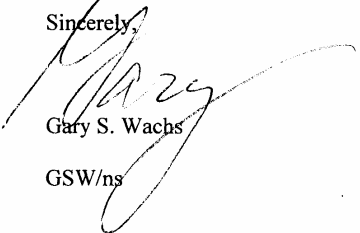
Having read our last four security reports consistently relating "strong police presence" and a "quick response" at the library, I could not resist calling Captain Jones and Lieutenant Neville. They both have done a great job monitoring and sheparding this area, and it shows!

Frankly, I don't know where we would be without the concern of you and your staff. Three weeks ago we lost an extended stay piece of business to the Westin and Hyatt amounting to \$30,000 because they heard of "unrest" at the library.

The library still has work to do and summer is coming, but without the extraordinary effort of the Cincinnati Police the situation would have long been out of hand.

To say that I appreciate all that has been done doesn't quite cover it. Grateful is, I believe, a better word, and all of us at the hotel are damn grateful.

Sincerely,



Gary S. Wachs

GSW/ns

**Danielle J. Hampton  
1046 Tuscany Pl.  
Cincinnati, OH 45226**

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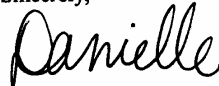
March 25, 2006

Dear Officer Fede,

I want to express my sincere thanks for being my hero on Tuesday, March 14, 2006. Living at the end of a dead end street proved to be a bad thing when a fallen tree eliminated my escape from the neighborhood. I received response only from you in my moment of need. No one else was willing to get to work with a chainsaw on my behalf!

Later in the week, the developer of the neighborhood showed up to remove the remains of the tree. It's a good thing I didn't have to wait on them to be able to get to work! I know you didn't have to do what you did when you cut my way out, so I wanted to thank you with this batch of homemade chocolate chip cookies. I appreciate your help.

Sincerely,



Danielle Hampton

CC: Chief of Police  
Mayor Mark Mallory

**Subject:** William Farmer v. Officer Ken Kilgore and Officer AJ Werner

Sirs:

Just a brief note to let you know that we successfully defended the above officers last week in an alleged deprivation of medical care case. The plaintiff had severe end-stage Chronic Obstructive Pulmonary Disease and claimed that the officers, during the service of a warrant for aggravated drug trafficking, denied him his oxygen tank on the way to the Justice Center. As a result of the alleged deprivation, he claimed that these officers should be responsible for over \$130,000 in medical bills, plus punitive damages.

We did not get to put on our case-in-chief because Judge Martin granted my motion for a directed verdict as to all claims. The officers did an outstanding job preparing for their testimony and helping me understand police procedures. I was honored to defend them.

Finally, thank you for allowing the wives to be detailed to the trial. Had this case gone to a jury, their attendance was critical to counter any sympathy a jury might feel because of plaintiff's medical condition.

Thank you,  
Pete

**Peter J. Stackpole  
City of Cincinnati Law Department  
Civil Litigation Division  
City Hall, Room 214  
801 Plum Street  
Cincinnati, Ohio 45202  
(513) 352-3350**